

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOV 7 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOHN C. EASTMAN,

Plaintiff-Appellant,

v.

BENNIE G. THOMPSON, in his official capacity as Chairman of the House Select Committee to Investigate the January 6 Attack on the United States Capitol; et al.,

Defendants-Appellees.

No. 22-56013

D.C. No.
8:22-cv-00099-DOC-DFM
Central District of California,
Santa Ana

ORDER

Before: McKEOWN, WARDLAW, and W. FLETCHER, Circuit Judges.

Appellant's request to withdraw the emergency request for injunctive relief (Docket Entry No. 9) is granted. The emergency motions (Docket Entry Nos. 2 and 5) are deemed withdrawn.

The motion to file exhibits under seal and *in camera* (Docket Entry No. 6-1) is denied. *See* 9th Cir. R. 27-13(a).

Within 21 days after the date of this order, appellant may file a motion to withdraw the exhibits at Docket Entry No. 6-2. The Clerk shall maintain Docket Entry No. 6-2 under seal and *in camera* until the expiration of the 21-day period, and until disposition of a motion to withdraw if one is timely filed. If no motion to withdraw is filed, the Clerk shall unseal Docket Entry No. 6-2.

Appellant's motion for voluntary dismissal of this appeal (Docket Entry No. 10) is granted in part. This appeal is dismissed. *See Fed. R. App. P. 42(b).*

Appellant's request that we vacate or remand with instruction to vacate the underlying judgments is denied. *See United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950); *U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18, 25 (1994) (*Munsingwear* rule is inapplicable when mootness results from circumstances attributable in part to appellant's actions).

This order served on the district court shall act as and for the mandate of this court.